

February 11, 2004

**TWIN FALLS/CASSIA AREA FEDERAL LANDS PILOT
PROJECT: AN UPDATED DRAFT PROPOSAL**

Introduction/Overview:

The opportunity now exists to implement a pilot project in southern Idaho for more collaborative and effective management of intermingled federal lands administered by the Bureau of Land Management ("BLM") and Forest Service. These two federal agencies and many local officials and citizens appear ready to engage in this endeavor. The draft proposal outlined in this paper is for structuring such a project for BLM and Forest Service administered lands located primarily in Twin Falls and Cassia Counties, Idaho.

This "Twin/Cassia" draft proposal grew from the Twin Falls/Cassia County Resource Enhancement pilot project proposal described in the December 2000 Federal Land Task Force Working Group report to the Idaho Board of Land Commissioners. However, the current draft proposal has been updated to reflect newer federal agency initiatives and other considerations, and is substantially different from that initial proposal. The current draft proposal provides a collaborative, inclusive public participation framework to enhance recent federal agency pilot project efforts. Existing federal agency initiatives include:

- 1) The establishment of a new BLM Twin Falls District that encompasses the proposed pilot project area, as part of BLM reorganization in Idaho.
- 2) The related pending establishment of a new Resource Advisory Council ("RAC") for the new District.
- 3) BLM and Forest Service "Service First" office co-location and other management integration efforts in the area.
- 4) Stewardship contracting.

This draft proposal also reflects consideration of recent comments from interested stakeholders in the proposed project area, including those shared at a December 16, 2003, scoping workshop held in Twin Falls, Idaho. At that meeting, a majority of attendees expressed interest in proceeding with a pilot project for improved

management of BLM and Forest Service administered lands in the area. The current proposal incorporates local RAC collaboration among a broad spectrum of federal public land users, initiatives for natural resource stewardship, and other concepts discussed at the December 16, 2003 meeting.

The pilot project draft proposal's central elements are:

- 1) The BLM and Forest Service should integrate management of federal lands in the project area under their existing "Service First" pilot authority. A single supervisory manager for both BLM and Forest Service administered lands should be appointed.
- 2) The RAC should extend its advisory role to Forest Service and BLM administered lands in the project area.
- 3) To the extent reasonably practicable, the two federal agencies should use a single set of land and resource management rules for both BLM and Forest Service administered lands in the project area.

These and several related elements are described in more detail in the attached outline. **The draft proposal does not involve any transfer of federal lands or decisionmaking authority from the BLM or Forest Service to the State of Idaho, local governments, or citizens.**

This draft proposal outline is presented by Perkins Coie LLP as a consultant to the Idaho Department of Lands and Board of Land Commissioners for consideration and critical comment by the BLM and Forest Service, other interested agencies, and the public. It will be the subject of an informal public workshop being scheduled for the evening of February 27, 2004 in Twin Falls. We will use comments received on this outline to revise the draft proposal as appropriate for further consideration for implementation by the BLM, Forest Service and (for elements that may require federal legislation) Congress. Further opportunity for public comment will be provided regarding any elements recommended for implementation.

Written comments regarding the draft proposal may be submitted to the attention of Bob Maynard at Perkins Coie LLP, 251 East Front Street, Suite 400, Boise ID 83702. For further information contact Bob Maynard, (208) 343-3434, or W.H. Fawcett, (202) 434-1636.

Draft Proposed Pilot Project Elements:

1. Project Area: All federal public lands in the Idaho portion of the Minidoka Ranger District, Sawtooth National Forest, comprising about 630,000 acres, and the portion of the BLM Burley Field Office Area south of the Snake River in Idaho, comprising about 670,000 acres (map attached).
2. "Service First" Pilot Project. The Secretary of Agriculture (Forest Service) and the Secretary of the Interior (BLM), will proceed with a pilot project to implement "Service First" concepts and mechanisms for more effective, integrated delivery of services for national forest and other public lands administered by the agencies within the project area. ("Service First" information is available at: www.fs.fed.us/servicefirst).
3. Single manager/supervisor. The Secretaries will delegate management authority and responsibility for Forest Service as well as BLM administered lands in the project area to a single manager. The manager may be an existing manager and retain responsibility for more than the project area (for example, the BLM Burley Field Office manager or the Forest Service Minidoka District Ranger). If the manager selected by the agencies for the project area is an existing employee of one of the agencies, an assistant manager may be selected from the other agency.
4. Unified RAC. The Secretaries will establish a Resource Advisory Council ("RAC") in accordance with the provisions of section 309 of the Federal Land Policy and Management Act, 43 U.S.C. 1739, for the project area. (RAC information is available at www.blm.gov/rac/id.htm). The RAC's advisory role and duties will extend to all Forest Service as well as BLM administered lands in the project area. The RAC will also serve as the RAC for the new BLM Twin Falls District. If a RAC has already been established for the new District, it will also serve as the RAC for the pilot project. (BLM Twin Falls District information is available at: www.id.blm.gov/newsreleases/data/04articles/reorg.htm.)
5. Purpose, function, and authority of RAC. The RAC's role will extend to the full scope of advisory duties provided for under 43 U.S.C. 1739, regarding Forest Service as well as BLM administered lands in the project area. For the project area, the RAC's role and authority will specifically include considering and recommending to the Forest Service and BLM:

- a) Measures to efficiently and effectively administer grazing, recreation, and other allowed uses, consistent with environmentally and economically sound and sustainable natural resource stewardship principles.
- b) Priority activities to meet collectively agreed upon "stewardship objectives" (as described in stewardship contracting legislation and guidelines, objectives to achieve land management goals that meet local and rural community needs, including: improve forest or rangeland health; restore or maintain water quality; improve fish and wildlife habitat, and reduce hazardous fuels).
- c) Measures to assure that uses such as family farming and ranching that have contributed to the American cultural heritage are sustained, through current and succeeding generations, ensuring the vitality and stability of local communities.
- d) Measures to improve the adaptability and responsiveness of resource management to drought and other conditions, in accordance with sound science and stewardship principles, including associated monitoring of management practices.
- e) Measures to better coordinate management of federal public lands with management and use of State of Idaho, local government, and private lands in the project area vicinity.
- f) Measures to engage the State of Idaho, local communities and citizens in stewardship activities.

The RAC as well as the BLM/Forest Service manager will cooperate with grazing, Farm Service Agency and other local advisory boards and committees regarding subjects of mutual interest.

6. Role and authority of the federal agency land manager. The BLM/Forest Service manager will remain the decisionmaker responsible for administering the federal lands in the project area. If the manager does not respond in writing to a final RAC recommendation within 30 days of RAC submittal to the manager (either by accepting or rejecting the recommendation in whole or part, or notifying the RAC of need for more time, not to exceed an additional 30 days, to consider the recommendation), the recommendation will be deemed adopted as at least a proposed action by the manager. However, final adoption and implementation will remain subject to completion of any applicable

National Environmental Policy Act ("NEPA") or other procedures required for final agency action regarding the recommendation.

7. Single set of management standards, guidelines, and procedures.
 - a) Subject to valid existing rights and to the extent reasonably practicable, the Secretaries will manage Forest Service as well as BLM administered lands and uses in the project area according to rules applicable to BLM administered lands.
 - b) In consultation with the RAC and other appropriate parties, the Secretaries will prepare a single land and resource management plan ("LRMP") to provide a single set of programmatic land and resource management standards and guidelines for the project area. The project area LRMP will be tiered to and adapted from the existing Sawtooth National Forest LRMP and BLM District and Resource Management Area ("RMA") LRMP(s). Legal requirements applicable to LRMP's for BLM administered lands will govern the preparation, content, and administrative review or appeal of the project area LRMP.
 - c) Administrative review and appeal procedures applicable to review of BLM actions will apply to review and appeal of project area manager actions regarding lands, resources or uses in the project area that occur after the effective date of the project area LRMP.
8. Stewardship contracts. (Stewardship contract information is available at: www.blm.gov/nhp/spotlight/forest_initiative/stewardship_contracting).
 - a) The Secretaries are authorized to use stewardship contracts as a tool to achieve stewardship objectives in the project area, in grassland as well as forest or other vegetation types, and for range as well as silviculture or other projects or activities within the scope of the stewardship contract authorizing legislation.
 - b) The term "forest product(s)" as used in the stewardship contract authorizing legislation will be extended to include range products such as forage.
9. Monitoring.
 - a) The Secretaries will monitor and evaluate project activities and results, to assess whether and to what extent the pilot project is meeting or enhancing

the accomplishment of "Service First" and stewardship objectives. They will complete a monitoring and evaluation report each year. This monitoring, evaluation and reporting may incorporate multi-party participation.

- b) The Secretaries will request the State of Idaho, through one or more qualified higher education institutions in Idaho, to participate in monitoring and reporting in the project area, and to prepare a report at five year intervals that assesses the extent to which the pilot project is meeting or enhancing the accomplishment of the stewardship objectives collectively agreed upon by the RAC.
 - c) Pilot project monitoring, evaluation and reporting may be coordinated with that required under stewardship contracting and other legislation applicable to the project area.
10. Pilot project duration: 10 years, renewable for additional 5-year terms.
11. Funding: Each year, the President will submit to the Congress a consolidated BLM/Forest Service proposed budget for the project area for purposes of appropriations. The Secretaries will prepare and submit their proposed consolidated budget to the RAC and consider any RAC recommendations prior to submitting the proposed budget to the President.
12. Transition and valid existing rights:
- a) The Secretaries will designate a single manager for the project area and establish the RAC within one year.
 - b) The project area LRMP will be completed and made effective within three years, subject to any applicable administrative appeal and judicial review.
 - c) The project area manager will then assure that, subject to valid existing rights, all contracts, permits, and other instruments for occupancy and use of project area lands are consistent with the project area LRMP.
 - d) The holder of an authorization for occupancy or use of national forest land in the project area at the commencement of the project may within one year elect for administration of the authorization to continue under Forest Serviced rules, rather than subject the authorization to administration under BLM rules. The election will be irrevocable for the duration of the pilot

project, unless the BLM/Forest Service project area manager subsequently agrees to the holder revoking the election.